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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,578	01/25/2002	Jorg Muller-Ziller	SWR-0076	4690

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EXAMINER

KASTLER, SCOTT R

ART UNIT

PAPER NUMBER

1742

DATE MAILED: 03/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/056,578

Applicant(s)

MULLER-ZILLER ET AL.

Examiner

Scott Kastl r

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-18 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, and 5-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Hisada et al. Hisada et al teaches an arrangement and method for the transporting of metallic workpieces during heat treatment (see col. 1 lines 5-20 for example) by automatic guided vehicles (32, 33) where each automatic guided vehicle is described as employing a heat insulated transport chamber for holding workpieces (36) which “may” be heated (instant claim 3 does not actually require that the transport chamber include any heating devices or that the chamber be heated, only that the chamber have the ability to be heated, by the insertion of a hot workpiece, for example) including transport gear for moving the chamber (35) where the transport chamber can be moved horizontally, or could rotate (turn in circles) in place (through movement on the wheels (34); is designed to be vacuum tight and can be evacuated of air separate of any treatment chamber(see col. 5, lines 55-65 where a vacuum exhaust system, or vacuum pump (37) is attached to the chamber (36)). The doors (45a, 45b) are hermetically sealable loading and connecting doors operated by drive cylinders (44a and 44b). The transport chamber also includes a horizontal batch loading and unloading device (39, 40 and 41a) . The transport chamber (36) is movable relative to the transport gear (35) via rollers (55) in a horizontal direction (see figure 5 for example) along a delivery track (3) which “could” be controlled freely via induction loops embedded in the transport gear base (instant claim 10 does not require that the transport gear

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actually be equipped with induction loops, but by using the term "can be" requires only that the transport gear have the ability to be equipped with such a drive device). The vehicles (32,33) deliver workpieces between two horizontally disposed treatment chambers (6-23) as described at col. 4 line 57 to col. 5 line 40 for example) by connecting to the treatment chambers in a stationary manner (instant claims 11-18 do not require that the transfer canal/transport chamber (36) be connected to two separate treatment chambers simultaneously) where the workpieces are transported from one treatment chamber to another treatment chamber without any significant drop in temperature, thereby showing all aspects of the above claims.

Claims 1, 2, 3, 5-8, 10-13 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by French'156. French'156 teaches an arrangement and method for the transporting of metallic workpieces during heat treatment employing a heat insulated transport chamber for holding workpieces (6) which "may" be heated (instant claim 3 does not actually require that the transport chamber include any heating devices or that the chamber be heated, only that the chamber have the ability to be heated, by the insertion of a hot workpiece, for example) including transport gear for moving the chamber (14) where the transport chamber can be moved horizontally, or could rotate (turn in circles) in place; is designed to be vacuum tight and can be evacuated of air separate of any treatment chamber through use of a vacuum pump(46). The door (42) is hermetically sealable loading and connecting doors operated by drive cylinders (27). The transport chamber also includes a horizontal batch loading and unloading device (32,34) . The transport chamber (6) is movable relative to the transport gear (see fig. 4) in a horizontal direction in order to deliver workpieces between horizontally disposed treatment chambers by

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connecting to the treatment chambers in a stationary manner (instant claims 11-18 do not require that the transfer canal/transport chamber (6) be connected to two separate treatment chambers simultaneously) where the workpieces are transported from one treatment chamber to another treatment chamber without any significant drop in temperature, thereby showing all aspects of the above claims.

Allowable Subject Matter

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The above claim contains subject matter allowable over the cited and applied prior art at least because none of the cited or applied prior art shows or fairly suggests the use of steel as the insulating material for the required removable thermal insulation of instant claim 4.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Each of Edenhofer and EP'117 are also cited as further examples of prior art furnace systems including transport chambers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Kastler whose telephone number is (703) 308-2506. The examiner can normally be reached on Monday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (703) 308-3050. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0651.



Scott Kastler
Primary Examiner
Art Unit 1742

sk
March 21, 2003